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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,994	09/12/2003	Douglas W. Reitz	F8-6068	9335
44926	7590	02/24/2006	EXAMINER	
BAXTER HEALTHCARE CORPORATION			LITHGOW, THOMAS M	
ONE BAXTER PARKWAY			ART UNIT	PAPER NUMBER
DF2-2E			1724	
DEERFIELD, IL 60015				

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,994	REITZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas M. Lithgow	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 November 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 and 48-59 is/are pending in the application.
- 4a) Of the above claim(s) 56-59 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 and 48-52 is/are rejected.
- 7) Claim(s) 53-55 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



THOMAS M. LITHGOW  
PRIMARY EXAMINER

GROUP 17.00

- 4) Interview Summary (PTO-1449)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: IDS 7/05.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/05+2/04+9/04.

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election with traverse of Fig. 27-31 in the reply filed on 26 Oct 2005 is acknowledged. The traversal is on the ground(s) that claim 49 is generic to all of the embodiments a-d in the restriction of 26 Sept. 2005. This is not found persuasive because even though claim 49 is generic to the disclosed embodiments, claim 49 would have to be determined to be allowable for consideration of non-elected species claims.

The requirement is still deemed proper and is therefore made FINAL.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-10, 13-19, 21 and 49-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyst (US 4157967)-cited by applicant. Meyst '967 discloses a blood filter having opposed housing members, optionally made of PMMA [col. 2, lines 65+], which are sonically

bonded together in a tongue and groove arrangement (see fig. 2 (postwelded) and fig. 4 (prewelded)).

3. Claims 1-4,6,9, 13-19, 21 and 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Stankowski (US 5269917) or Guala (US 6086762). Stankowski '917 discloses a fluid filtration device having opposed housing members bonded to each other via ultrasonic welding [col. 1, line 51] along with a tongue and groove arrangement (see shield 36 and opposed groove 37 (fig. 1-2). Guala '762 discloses a fluid filter with opposed bonded housing portions [col. 5, line 59] and a filter 6 there between.

4. Claims 1-4,6,9,13, 15-16, 18-19, 21 and 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers (US 6168653). Myers '653 discloses a fluid filter with opposed bonded housing portions and an intermediate filter membrane 20.

5. Claims 1-6, 9-10, 13-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg (US 4326957). Rosenberg '957 discloses an IV filter having opposed housing units which are bonded to each other by ultrasonics [col. 9, lines 44+] with a filter member 10 mounted there between.

6. Claims 19-21 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammer (US 4009714). Hammer discloses an IV filter device with opposed housing portions sealed together having a filter element 14 mounted there between.

***Claim Rejections - 35 USC § 103***

7. Claims 7-8, 11-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg '957 as applied to claim 6 and 19 respectively above, and further in view of HEI (PGP 2001/0009756). HEI '756 discloses the use of plural stage filter device having three nested filters 3-5 (see fig. 14) mounted in a fluid filter device which has opposed sealed housing portions and at least one of the stages is a sorbent in a binder as recited in claim 22. To so modify Rosenberg '957 with the taught features of HEI '756 would have been obvious to one of ordinary skill which opts for the multiple stage IV filter instead of a single stage filter of Rosenberg '957.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer '714 as applied to claim 19 above, and further in view of HEI (PGP 2001/0009756). HEI '756 discloses at least one of his filter stages is a

sorbent in a binder as recited in claim 22. To so modify Hammer '714 with the taught features of Hei '756 would have been obvious to one of ordinary skill which opts for the multiple stage IV filter instead of a single stage filter of Hammer '714.

***Allowable Subject Matter***

9. Claims 53-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M. Lithgow  
Primary Examiner  
Art Unit 1724

TML